

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

UNITED STATES OF AMERICA,

Plaintiff,

v.

EDWARD MOTLEY,

Defendant.

CASE NO. CR05-383-MJP

SUMMARY REPORT OF U.S.
MAGISTRATE JUDGE
AS TO ALLEGED VIOLATIONS
OF SUPERVISED RELEASE

INTRODUCTION

I conducted a hearing on alleged violations of supervised release in this case on December 7, 2007. The United States was represented by Mark Bartlett. The defendant was represented by Carol Koller.

CONVICTION AND SENTENCE

Defendant had been convicted of Escape on or about February 10, 2006. The Honorable Marsha J. Pechman of this court sentenced Defendant to 12 months and a day of confinement, followed by 3 years of supervised release. The conditions of supervised release included requirements that defendant comply with the standard 13 conditions.

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DEFENDANT'S ADMISSION

U.S. Probation Officer Christopher Luscher alleged that Defendant violated the conditions of supervised release in the following respects:

- (1) Failing to successfully reside up to 180 days at a Residential Reentry Center, as of February 22, 2007, in violation of the special condition that he spend up to 180 days in a halfway house as determined by the probation officer;
- (2) Using cocaine on or about February 20 and 25, 2007, in violation of standard condition No. 7;
- (3) Using marijuana on or before February 28, 2007, in violation of standard condition No. 7;
- (4) Committing the crime of harassment, on or about February 23, 2007, in violation of the mandatory condition that he not commit another federal, state, or local crime;
- (5) Associating with a person convicted of a felony without permission of the probation officer, on or about February 23, 2007, in violation of standard condition No. 9;
- (6) Committing the crime of assault in the 3rd degree, on or about March 28, 2007, in violation of the mandatory condition that he not commit another federal, state or local crime;
- (7) Committing the crime of possession of a controlled substance (cocaine), on or about March 28, 2007, in violation of the mandatory condition that he not commit another federal, state, or local crime;
- (8) Associating with a person convicted of a felony without permission of the probation officer, on or about March 28, 2007, in violation of standard condition No. 9.

I advised the defendant of these charges and of his constitutional rights. The defendant admitted to violation Nos. 1, 2, 3, and 6, and waived any hearing as to whether they occurred. The Government has agreed to withdraw violation Nos. 4, 5, 7, and 8 at sentencing. Both the Government and Defense consented to having the matter set for a disposition hearing.

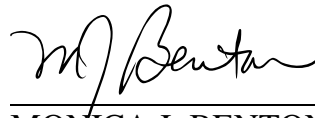
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RECOMMENDED FINDINGS AND CONCLUSIONS

Based upon the foregoing, I recommend the court find that Defendant has violated the conditions of his supervised release as alleged and set the matter for a disposition hearing.

Defendant has been remanded to custody pending a final determination by the Court.

DATED this 7th day of December, 2007.



MONICA J. BENTON
United States Magistrate Judge

cc:	Sentencing Judge	:	Hon. Marsha J. Pechman
	Assistant U.S. Attorney	:	Mark Bartlett
	Defense Attorney	:	Carol Koller
	U. S. Probation Officer	:	Chris Luscher